Claims 1, 2, 4-12, 14-26, 28, 30, and 32-38 are currently pending in the application. Claims 1, 2, 4 -12, 14-26, and 28-38 are rejected. Claims 1, 2, 8, 9, 11, 19, 22-26, 28, 33-36, and 38 are amended. Claims 29 and 31 are canceled. No new matter has been added.
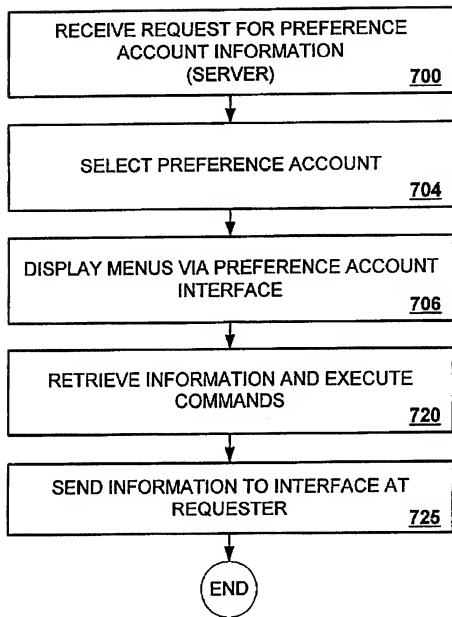
Section 112, First Paragraph, Rejection

Claims 1-2, 4-12, 14-26 and 28-38 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description. Applicants have amended independent claims 1, 9, 22, and 33, and the various dependent include the recitations of the corresponding independent claims. Hence, for at least the reasons set forth above, Applicants respectfully submit that all claims comply with the written description requirement. Thus, Applicants respectfully request that the Section 112, first paragraph, rejection of claims 1-2, 4-12, 14-26 and 28-38 be withdrawn.

Section 103 Rejection

Claims 1-2, 4-12, 14-26, and 28-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen (U.S. Patent Application Publication No. 20020142846) in view of Lark et al. (U.S. Patent Application Publication No. 2002/0142825), referred to herein as Lark. This rejection is respectfully traversed.

Lark discloses a method for setting game playing preferences. The method is explained with reference to Figure 7, reproduced below, and Figure 7 is described in paragraphs 120-124.

```
┌─────────────────────────────────────┐
│   RECEIVE REQUEST FOR PREFERENCE    │
│        ACCOUNT INFORMATION          │
│            (SERVER)         700      │
└─────────────────────────────────────┘
                  │
                  ▼
┌─────────────────────────────────────┐
│                                     │
│     SELECT PREFERENCE ACCOUNT       │
│                            704      │
└─────────────────────────────────────┘
                  │
                  ▼
┌─────────────────────────────────────┐
│ DISPLAY MENUS VIA PREFERENCE ACCOUNT│
│              INTERFACE              │
│                            706      │
└─────────────────────────────────────┘
                  │
                  ▼
┌─────────────────────────────────────┐
│   RETRIEVE INFORMATION AND EXECUTE  │
│              COMMANDS               │
│                            720      │
└─────────────────────────────────────┘
                  │
                  ▼
┌─────────────────────────────────────┐
│   SEND INFORMATION TO INTERFACE AT  │
│             REQUESTER        725    │
└─────────────────────────────────────┘
                  │
                  ▼
               ╭───────╮
               │  END  │
               ╰───────╯
```

FIGURE 7

FIG. 7 is a flow chart depicting an implementation of a preference account methodology on a preference account server for one embodiment of the present invention. In 700, a preference account server, which may be a device separate from a gaming machine or a gaming machine with server capabilities, may receive a request for preference account information. The request for preference account information may be made from a number of different devices external to the preference account server such as a gaming machine, a home computer, a casino kiosk, a personal digital assistant, a phone and a video display interface. In some embodiments, the video display interface may be located in a hotel room or a restaurant.

In 704, the preference account server may select a particular preference account using player identification information supplied to the preference account server by the requesting external device. The identification information may include but is not limited to biometric information, alpha-numeric input codes, a player's name, a player's account number and combinations thereof. The player identification information may be used to authenticate the request for preference account information.

In 706, one or more menus may be displayed to a preference account interface used by the external device by the preference account server. The menus may allow a user of the preference account interface to view and modify preference account information stored on the preference account server. In some embodiments, the preference account interface may be accessed via a web browser.

In 720, the preference account server may retrieve preference account information and execute commands operating on preference account information that are available through the one or more preference account interfaces (e.g. see FIGS. 1A and 1B). For instance, the commands may allow a user of the preference account interface to add, delete and store preference account information on the preference account server. As another example, a user of the interface may be able to simulate one or more game presentations, including audio and video effects, from one or more games such as video poker games, video slot games, video black jack games, video pachinko games, video card games and video games of chance. The game presentations may be modified according to one or more preference options selected by the player. The game presentations simulated via the interface may allow a player to assess how various selected preference options will affect their game playing experience.

In 725, the preference account server may send the requested preference account information to the external device requesting the preference account information. For instance, the requested information may be a summary of a player's loyalty

point account over a certain time period. While the player is using the preference account interface hosted by the preference account server, a player may make multiple requests for preference account information via the preference account interface. Thus, 700, 704, 706, 720 and 725 may repeated a plurality of times by the same player during a single session of using the interface, over multiple different sessions by the same player and over multiple sessions by different players. A single session may defined as the time period between when a user is granted access to a preference account, such as by entering player identification information, and when a player's access to the preference account is terminated. Thus, a second subsequent session to a first session begins after a player's access has been terminated in the first session and a new access to a player, which may be the same or a different player than in the first session, has been granted in the second session.

Neither Paulsen nor Lark, considered alone or in combination, describe or suggest a gaming system as recited in claim 1. For example, neither Paulsen nor Lark, considered alone or in combination, describe or suggest the network server controller being programmed to select a game from a plurality of available games by comparing preferences of a first player with preferences of a second player.

The Examiner agrees that "Paulson does not disclose that selection of said second game is performed by comparing said first player preferences to preferences of a second player" (Office Action, page 4). Further, Lark describes that processes 700, 704, 706, 720, and 725 may be repeated a plurality of times by the same player and over multiple sessions by different players. There is no disclosure in Lark of comparing first player preferences with preferences of a second player. For at least the reasons set forth above, Applicants respectfully request that claim 1 is patentable over Paulsen in view of Lark.

For at least the same reasons set forth above, Applicants respectfully submit that independent claims 9, 22, and 33 would not have been obvious over Paulsen in view of Lark.

The various dependent claims are respectfully submitted to be patentable over the art of record for at least the same reasons as set forth above with respect to their associated independent claims. Accordingly, for at least the reasons set forth above, claims 1-2, 4-12, 14-26, and 28-38 would not have been obvious over Paulsen in view of Lark.

No Prima Facie Case of Obviousness

Applicants respectfully that a prima facie case of obviousness of claim 1 is not made because the Examiner has not explained how paragraph 124 of Lark teaches the comparison feature of claim 1. According to MPEP §2142, "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit".
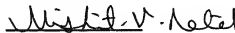
The Office Action states on page 4 that "Lark '825 discloses selecting an available game by comparing said first player preferences to preferences of a second player (paragraph [0124])". Moreover, the Office Action states on pages 5 and 9 that "Lark '825 discloses selecting a game associated with said second player (paragraph [0124]). The Examiner does not explain how paragraph 124 of Lark discloses or suggests a network server controller being programmed to compare preferences of a first player with preferences of a second player as called for by claim 1. Hence, without such reason or explanation, Applicants respectfully submit that a prima facie case of obviousness is not made.

For at least the same reasons set forth above, a prima facie case of obviousness of claims 9, 22, and 33 is not made. Hence, Applicants respectfully request that the Section 103 rejection be withdrawn.

<u>Conclusion</u>

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

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